

RESOLUTION NO. R-90-50

RESOLUTION APPROVING ZONING PETITION NO. 73-65(A)
SPECIAL EXCEPTION PETITION OF RICHBUILT OF PALM BEACH, INC.

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, Petition No. 73-65(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 27, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 73-65(A) the petition of RICHBUILT OF PALM BEACH, INC., by Michael P. Schneider and Rhett Roy, Agents, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR THE TENNIS CLUB OF PALM BEACH PLANNED UNIT DEVELOPMENT TO PERMIT AN ADDITIONAL ACCESS (PETITION NO. 73-65) on a parcel of land lying on Parcel No. 1, Housing Tract, The Tennis Club of Palm Beach, Plat No. 6, recorded in Plat Book 48, Pages 146 and 147, in Section 23, Township 43 South, Range 42 East, being located on the southeast corner of the intersection of Haverhill Road and 12th Street, in a RM-Multiple Family Residential Zoning District, was approved on July 27, 1989, as advertised, subject to the following conditions:

1. All previous conditions of Resolution 73-399 shall apply unless expressly modified herein.
2. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as

required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

3. Within **90** days of approval of this project, **the** property owner shall convey to Palm Beach **County Land** Development Division by road right-of-way warranty deed for:

- a. Community Drive, **40** feet from centerline:
and,

- b. Haverhill Road, **55** feet from centerline

all free of encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "**Safe** Sight Corners" where appropriate at intersections as determined by the County Engineer.

4. The Property owner shall construct a left turn lane, east approach on Haverhill Road at the project's entrance road concurrent with onsite paving and drainage improvements. Construction shall be completed ninety (**90**) days of commencement of construction of the left turn lane.
5. The Property owner shall convey to Palm Beach County within **90** days of the approval **of** this project adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Haverhill Road and Community Drive along the property frontage and for a maximum **400** ft. distance each side of the property boundary lines along Haverhill Road and Community Drive. Said easements shall be no less than **20** feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements **of** the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) **of** the included segment.
6. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
7. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit

or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist, Chair	--	AYE
Ron Howard	--	AYE
Karen T. Marcus	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 2nd day of January, 1990 .

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

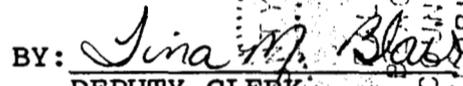
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :


COUNTY ATTORNEY

BY :


DEPUTY CLERK

